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CAN THERE BE UNIVERSAL HUMAN RIGHTS (AND OTHER RIGHTS DEBATES)

Course Materials
SPRING 2006

Professor Jennifer Nedelsky

Faculty of Law
University of Toronto

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Can There Be Universal Human Rights?
(and other rights debates) (LAW576H1S)
Thursday 2:10 – 4:00 FA3

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Spring 2006

This seminar is organized as an inter-cultural dialogic classroom which uses an on-line discussion forum to interrogate the nature of rights.

We will begin with debates around universalism: in what ways does it make sense to speak of universal rights? What are the grounds for such claims, and what are some of the main opposing views? Even if one views rights as social constructs, can there be institutions and practices that create rights with legitimate claims to universality? Some of the objections to the idea of universal rights are objections to the specific form this idea has taken in the western tradition. We will consider alternative "universalisms." Students will be invited to develop this discussion of universal rights – their meaning, implementation, and conflicts around them— and to consider how their own social, political, economic and cultural contexts may bear upon how they interpret such rights.

The method of the seminar is to work through these broad questions by engaging in a transnational dialogue. The Internet-based interactive sessions revolve around a series of readings that will focus the discussion on specific challenges in the theory and the practice of international human rights. Our international partners for these discussions are students from Ateneo Law School in the Philippines who will join our class for 3 weeks and students from the Centre of Human Rights in South Africa who will join our class for 6 weeks.

Required Reading: Readings will be available on-line through TWEN and a Course pack is available at the Faculty of Law bookstore.

Course requirements:

This is a challenging course that demands strong participant involvement in forming the ideas and questions that will make up our discussions.

Postings on TWEN: After completing the required readings each week, students are required to submit comments and/or responses to other students' comments in the discussion forum on TWEN. Many of our discussions will include our international partners from the Philippines and from South Africa. As well, our own classroom will reflect diversity in background and perspective. To reap the most benefit from these global dialogues, we strongly encourage students to complete the readings and respond on-line as early as possible. **And, students who are required to comment for that week must post their comment by Monday at 2pm. Students who are assigned to respond that week must do so by noon Wednesday, and are encouraged to do so as early as possible.** (Our partner schools meet on different days, so this allows all students to benefit from the dialogue). However, students may continue to post further responses or further thoughts after this date. In this way, a more back and forth interactive dialogue can happen on-line.

Students will be organized into 4 groups. Each week, each of the students from one of the groups is responsible for posting a 1-2 page commentary on the reading. (The groups for each week are marked on the syllabus.) The **COMMENTS** should be your reflections on the reading in light of the ongoing conversation in the course. Thus students are encouraged not only to comment on what they find particularly interesting or important or troubling in the readings, but how this connects to previous readings and to the ongoing dialogue. Students from one other group are required to post "**RESPONSES**" to one of the comments. Responses are your thoughts, reflections, reactions to the comments. They should be about half a page. Of course, commenting students, especially in exchange with students from other schools, may want to write back and continue the conversation with the responder and with others. But that is not required. Students should post their intention to respond to a particular comment as soon as they have selected it so that, ideally, each of the "comments" will get a response (as opposed to having a cluster of responses to one comment, and none for the others). **ALL** students should read the comments and responses and feel free to participate in the online dialogue.

When we have comments coming in from our partner schools, there will be two groups responsible for responses. Again, all students should read the comments and responses and freely participate. But students in the assigned groups will have particular responsibility for providing thoughtful responses.

* These weekly comments and responses will form a part of the class participation mark, worth 30% of the final grade. Students will receive their "comments" back with very brief commentary and a grade. The responses, ongoing electronic dialogue, regular class discussion, and final class presentation will constitute the rest of the participation mark.

* Students must submit their research paper topic and a bibliography on a rights focused topic of the student's choice by **March 9**. Students are encouraged to start exploring possible topics early in the semester. This course has a teaching assistant, Ummni Khan, who is available for guidance in the selection of topics, help with finding appropriate sources, and discussions of drafts of the papers.

* The final research paper (20-25 pages) is due on the last day for submission of papers: **April 28** (Friday 12:00 p.m.). It is worth 70% of the final grade.

This course will be using Westlaw's TWEN - The West Education Network - to manage all of our virtual communication. TWEN acts as "an electronic extension of the classroom." As such, it will host our on-line discussions, provide a course calendar, distribute readings, manage an email list of course participants and provide other integrative and interactive tools for on-line learning.

To access TWEN, you will need a personal westlaw password. In the first class, students will be given the course password which will allow them to register for the class on TWEN and utilize all of its features.

This course will also be using " turnitin.com " for the final papers. Turnitin is an online resource for educators and students who wish to foster quality original work and to promote the responsible use of secondary sources.

'*This resource helps to prevent and detect plagiarism by comparing submitted papers to billions of pages of content located on the internet and their proprietary databases. The results of the comparisons are compiled, one for each paper submitted, in custom "Originality Reports." These reports are sent to participating educators, who access the results by logging into their Turnitin account(s).*'

Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site"

In the first class, the students will be provided with a class ID number and a class enrollment password. Each student is then responsible for visiting " www.turnitin.com "; creating a user profile and; using the class ID and enrollment password to enroll in the class.

Weekly Reading List
Can There be Universal Human Rights

January 5	INTRODUCTION
January 12 Group 1 comment, Group 2 respond	Rethinking Human Rights: Challenges for Theory and Action, "Introduction and Human Rights: A Movement in Search of a Theory"
January 19 (Ampy's class will post on January 15) Group 2 comment, Group 3 and 4 respond	Women and Human Development: The Capabilities Approach by Martha Nussbaum "Introduction" and Ch. 1
January 26 Group 3 comment, Group 1 respond	Isabelle R. Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries"
February 2 (Ampy) (Ampy's class will post on January 29) Group 4 comment, Groups 2 and 3 respond	Talbott, "Which Rights Should be Universal?" Kiss, "Combining Clarity and Complexity: A Layered Approach to Cross-Cultural Ethics"
February 9 (Ampy) (post by February 5) Group 1 comment, Group 3 and 4 respond	Halpern Materials and Stychin "Essential Rights and Contested Identities"
February 16 (Frans) Group 2 comment, Group 1 and 4 respond	Nedelsky, "Communities of Judgment"
February 23 (Frans) READING WEEK	[Frans' class reads Halpern materials and Stychin]
March 2 (Frans) Group 3 comment, Group 2 and 1 respond	Lesbian and Gay Equality Project and Eighteen Others v Minister of Home Affairs and Others [South Africa same-sex marriage case]
March 9 (Frans) Group 4 comment, Group 3 and 1 respond	Kapur, "The Tragedy of Victimization Rhetoric: Resurrecting the Native Subject in International/Post-Colonial Feminist Legal Politics"

March 16 (Frans) Group 1 comment, Group 2 and 4	Ibhawoh, "Between Culture and Constitution: Evaluating the Culture and Constitution…" AND "The Convention on the Rights of the Child and the cultural legitimacy of children's rights in Africa: Some Reflections"
March 23 (Frans) Group 2 comment, Group 1 and 4 respond	Harris-Short, "International Human Rights Law: Imperialist, Inept and Ineffective? Cultural Relativism and the UN Convention on the Rights of the Child"
March 30 Group 3 comment, Group 2 respond	An-na'im "Cultural Transformation and normative consensus on the best interests of the child"
April 6 Group 4 comment, group 3 respond: summary comment on the ongoing dialogue, most interesting important points, differences to emerge etc.	Last class. Each student will take a few minutes to talk about their thoughts about the dialogue and how it connects to their research paper, followed by an open discussion. These brief (4 minute) presentations will be an important part of the participation mark.

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